REMARKS

Claims 1-47 are pending in the application. Claims 9, 15-17 and 19-47 stand withdrawn from consideration. Claims 1-8, 10-14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Khandwala et al. (US Patent No. 5,827,898) and Park et al.

The applicants and their counsel thank Examiner Hui for the courtesy of his time and for discussing the merits of the application during a telephonic interview with applicants' counsel on March 12, 2003. During the interview, the applicants' counsel discussed the §103 rejection to Claims 1-8, 10-14 and 18 with the Examiner. Applicants' counsel argued that these claims are not obvious in view of the teaching of Gowri, M.S. et al., "Masoprocol decreases rat lipolytic activity by decreasing the phosphorylation of HSL," *Am. J. Endocrinol. Metab.* 279: E593-E600, 2000 (Gowri et al.), for the reasons discussed below. The Examiner indicated that he would consider withdrawing the rejection if the applicants submit the reference as new evidence for consideration by the Examiner. Following the Examiner's suggestion and in response to the Office Action, the applicants herewith file an RCE application along with a supplemental IDS for Gowri et al. and reiterate the issues discussed during the interview.

In the Office Action, the Examiner maintained the §103 rejection to Claims 1-8, 10-14 and 18. The Examiner states that Khandwala et al. teaches that NDGA is known to be useful in reducing cholesterol and triglyceride level. The cited excerpt from Column 3, lines 23-35 of Khandwala et al. indicates that NDGA has been reported to reduce cholesterol and triglyceride levels, specifically hyperlipidemia, quoting US Patent Number 3,934,034. It is clear from Khandwala et al. and from the quoted patent that NDGA is known to reduce cholesterol and triglyceride levels in the blood. However, this is different from the present invention's achievement of reducing body fat.

In the art, "body fat" is understood to refer to something other than triglycerides in the blood. "Body fat" refers to lipids stored within adipocytes or fat cells. The hormone-driven mechanisms by which adipocytes take up free fatty acids and release triglycerides are well characterized. Briefly, triglycerides in serum are acted upon by lipoprotein lipase to produce free fatty acids that can be taken up by adipocytes and converted into triacylglycerides ("fat") for storage. Adipocytes release triglycerides into the blood only when the triacylglycerides undergo lipolysis, a process driven by hormone-sensitive lipase.

The blood triglyceride level can be reduced by inhibiting the activity of the hormone-sensitive lipase (and, hence, the lipolysis process as well), which results in less triglycerides leaving the adipocytes to enter into the circulatory system. As a consequence, the amount of triglycerides in the adipocytes (the body fat) is expected to increase or at the very least stabilize.

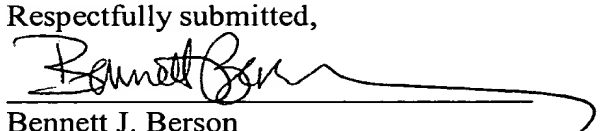
Gowri et al. teach that NDGA reduces the blood triglycerides level by inhibiting hormone-sensitive lipase activity. See Gowri et al. (Figs. 2 and 7 and the accompanying text, and the first paragraph of the Discussion section). A skilled artisan would therefore expect that when NDGA is administered to an animal the blood triglyceride level will decline and the body fat level will increase or at least be maintained. A skilled artisan would also not have correlated body fat reduction with the body weight loss of NDGA-fed mice shown in Khandwala et al.

Unexpectedly, the applicants demonstrated that a lipoxygenase inhibitor such as NDGA also inhibits lipoprotein lipase and thereby reduces uptake by adipocytes of free fatty acid and, consequently, fat storage. In summary, Claims 1-8, 10-14 and 18 are not obvious over Khandwala et al. and Park et al. because the ability of a lipoxygenase inhibitor such as NDGA to reduce body fat runs directly counter to the expectation of the art.

In view of Gowri et al. submitted as new evidence and the arguments presented above, reconsideration on the merits of the application is respectfully requested.

A petition for one month extension of time accompanies the enclosed RCE application so that the RCE application will be deemed to have been timely filed. If any other extension of time is required, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due. However, if any fee is due, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



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